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Attorney for Debtors

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re	)	Case No.	11-41221
	)	D C No.	PFF-1
)		
CHARLES & CYNTHIA HAYS,	)	MOTION TO COMPEL	
	)	TRUSTEE TO ABANDON	
	)	PROPERTY OF THE ESTATE	
)		
	)	Date:	November 8, 2011
	)	Time:	9:32 a.m.
	)	Place:	501 I Street
Debtors.	)		Sacramento, CA
	)	Crtrm:	32, 6 th Floor
	)	Judge:	Thomas C. Holman

COMES NOW CYNTHIA HAYS, the Co-Debtor in the above-entitled matter, by and through her attorney, Paul F. Farley, and in support of his Motion To Compel Trustee To Abandon Business Operation, represents to the Court as follows:

- Debtors filed their petition under Chapter 7 of the Bankruptcy Code on August 31, 2011.
- J. Michael Hopper has been appointed as the interim trustee in this case.
- The first meeting of creditors has been continued from September 28, 2011 to October 21, 2011 at 2:00 p.m.

1 4. Among the assets scheduled by Co-Debtor is a sole proprietorship, day care
2 business known as Cynthia Hays Day Care ("the subject business").
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4 5. The value of the subject business was determined as follows:

5 (a) The tangible assets of the business consist of miscellaneous furnishings
6 and equipment valued at \$544.00. (See Schedule B, marked "Exhibit A").
7 Said items are exempt pursuant to C.C.P. 703.140(b)(6) (see Schedule C,
8 marked "Exhibit B")

9 (b) The co-debtor is a day care provider licensed by the State of California.
10 The license is personal to the co-debtor which can not be assigned or
11 otherwise transferred. Accordingly, the license has no value to the trustee.

12 (c) The business operates solely by virtue of the co-debtors personal services
13 as a day care provider.

14 (d) Co-debtor provides day care services for five children, age 1, 2, 3, 9 and
15 11 years, from Monday through Friday of each week.

16 (e) Co-debtor has no employees.

17 (f) Co-debtor has adequate business insurance coverage, including a home
18 child care services endorsement, and the Chapter 7 Trustee is an additional
19 named insured until such time as the business operation has been
20 abandoned by the trustee. A true and correct copy of Debtor's
21 Homeowners Declaration page and Evidence of Insurance is attached
22 hereto and incorporated herein, marked Exhibit C.

23 7. In light of the foregoing, even if the business could be sold there is no equity in
24 the subject business for the benefit of the creditors of the bankruptcy estate, so the property has
25 no value to the Chapter 7 trustee.
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1 WHEREFORE, Co-Debtor respectfully requests the Court, pursuant to the provisions of
2 11 USC §554(b) and Bankruptcy Rule 6007(b), to order the Chapter 7 Trustee to abandon the
3 subject business to the Co-Debtor, and to grant the Co-Debtor such further and other relief as the
4 Court deems just and proper.

5 Dated: 10-5-11

Law Office of Paul F. Farley

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7 
8 PAUL F FARLEY, Attorney for Debtors